

### **REMARKS**

The above listed claim amendments and the following remarks are believed to be fully responsive to the Office Action. By this Amendment, claims 1 and 51 have been amended. Claims 4, 8-20, 22, 27-42, 50 and 54-58 were previously canceled. Claims 44-49 have been withdrawn. Claims 1-3, 5-7, 21, 23-26, 51-53 and 59-60 were rejected. Pending claim 43 was not referenced in any rejection, but is patentable for at least the same reasons as claim 1. Claims and are pending in the Application.

### **Claim Rejections 35 U.S.C. § 102**

Claims 1-3, 5-7, 23-24, 51-52 and 59-60 stand rejected under § 102(b) as being anticipated by U.S. Pat. No. 5,935,159 ("*Cross*"). *Cross* fails to anticipate the claimed invention.

Claim 1 is directed to an implantable lead that has a tubular lead body and an insulated coiled conductor extending through the tubular lead body. A generally annular hollow is formed between the insulated coil conductor and an inner surface of the tubular lead body. At least one conductor is disposed within the annular hollow and is electrically coupled with at least one electrode that is disposed along the tubular lead body. At least one filler defining void spaces is disposed within the annular hollow. *Cross* does not describe this.

Rather, *Cross* describes a core member 102 that includes elongate grooves designed to accommodate insulated conductors that can be snap-fit into the elongate grooves. It is not clear from the Action whether the Examiner considers the core member 102 to be equivalent to the claimed filler or to the claimed insulated coil conductor. In either event, *Cross* does not describe an insulated coil conductor that extends through the tubular lead body such that a generally annular hollow is formed between the insulated coil conductor and an inner surface of the tubular lead body.

Applicants note that *Cross* does describe, in some embodiments, a reinforcing cord 120 that extends through a central portion of the inner core 102. However, one of skill in the art will appreciate that the reinforcing cord 120 is not an insulated coil conductor. *Cross*

does not describe the claimed insulated coil conductor that extends through the tubular lead body in such a way as to form a generally annular hollow between the insulated coil conductor and an inner surface of the tubular lead body. This is a claimed feature expressly absent from *Cross*.

Moreover, as *Cross* does not describe the claimed generally annular hollow, *Cross* cannot be considered as describing the claimed filler that extends through the generally annular hollow formed between the insulated coil conductor and an inner surface of the tubular lead body. Again, this is a claimed feature expressly absent from *Cross*.

Claim 51 is directed to an apparatus that includes a lead body defining a lead lumen and an insulated coil conductor extending through the lead lumen. The apparatus includes an electrode disposed on the lead body and a conductor electrically coupled to the electrode and extending through the lead lumen. A filler is disposed within the lead lumen and includes void spaces that are spaced along a portion of the filler that is adjacent the insulated coil conductor.

As discussed above, *Cross* fails to describe the claimed insulated coil conductor and thus cannot be considered as describing a filler that has void spaces spaced along a portion of the filler that is adjacent the insulated coil conductor. *Cross* does not describe the claimed void spaces or the claimed location thereof. These are claimed features expressly absent from *Cross*.

For at least these reasons, *Cross* fails to anticipate the claimed invention. Favorable reconsideration and withdrawal of the rejection are respectfully requested.

### **Claim Rejections 35 U.S.C. § 103**

Claim 21 stands rejected under § 103(a) as being unpatentable over *Cross*. Claim 1 is distinguished above as being patentable over *Cross*. Claim 21 includes the elements of claim 1 and is patentable for at least the same reasons. Claim 21 also includes further distinguishing features. Favorable reconsideration and withdrawal of the rejection are respectfully requested.

Claim 25 stands rejected under § 103(a) as being unpatentable over *Cross*. Claim 1 is

distinguished above as being patentable over *Cross*. Claim 25 includes the elements of claim 1 and is patentable for at least the same reasons. Claim 25 also includes further distinguishing features. Favorable reconsideration and withdrawal of the rejection are respectfully requested.

Claim 53 stands rejected under § 103(a) as being unpatentable over *Cross*. Claim 51 is distinguished above as being patentable over *Cross*. Claim 53 includes the elements of claim 51 and is patentable for at least the same reasons. Claim 53 also includes further distinguishing features. Favorable reconsideration and withdrawal of the rejection are respectfully requested.

Claim 26 stands rejected under § 103(a) as being unpatentable over *Cross* in view of U.S. Pat. No. 5,366,496 (“*Dahl*”). Claim 1 is distinguished above as being patentable over *Cross*. *Dahl* fails to remedy the noted shortcomings of *Cross*, and thus claim 1 is patentable over both references. Claim 26 includes the elements of claim 1 and is patentable for at least the same reasons. Claim 26 also includes further distinguishing features. Favorable reconsideration and withdrawal of the rejection are respectfully requested.

### **Conclusion**

For the reasons explained above, all pending claims are now in condition for allowance. Accordingly, the Applicant respectfully requests that the Office issue a *Notice of Allowance*.

Any amendments to the claims are made to expedite prosecution of this application, without acquiescing to the Office’s rejections or characterizations of the claims or references in the Office Action. Even if not expressly discussed above, the applicant respectfully traverses each of the rejections, assertions, and characterizations regarding the disclosure and teachings of the cited references, including the prior art status and the propriety of proposed combinations of cited references.

The Applicant has made a good faith effort to respond to all rejections set forth in the Office Action and to place the pending claims in condition for immediate allowance. If the Examiner has any questions or comments, the Examiner is requested to contact the undersigned at 612-766-7217.

Respectfully submitted,

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